

Notice of Allowability

Application No.

10/670,852

Examiner

Anabel M. Ton

Applicant(s)

HUANG, MING

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/11/05.
2. ☒ The allowed claim(s) is/are 1,3,5 and 6.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows: In claim 1, line 28, delete "stripes" and insert-----strips-----.

Allowable Subject Matter

1. Claims 1-3,5,6 are allowed.
2. The following is an examiner's statement of reasons for allowance: The prior art cited does not teach the following:
 - Kim discloses a pen with a light source and powering means for the light source. Kim's switch for initiating the light source is a push button switch or a pressure switch that initiates the light source with the pen is pressed against a surface. Kim does not teach the combination of a pen with a refill switching unit for switching two refills, a spring installed between a light emitting set and a stop cap, a switching means which includes the top of the refill switching unit of a lower tube fixed with an electric disk and is conductive to the light emitting set, a top of the electric disk is installed with a conductive spring and a conductive plate, one lead of the light emitting body is in contact with an electrode at a top of

the battery set and another lead of the light emitting body extends downward to a lower side of a casing the lead is movable with the rotation of the light emitting body, an inner wall of a positioning tube is formed with positioning recesses, an outer casing of the light emitting set is installed with strips which can be embedded into the positioning recesses, a top center of the rotary portion of the refill switching unit has a positioning post which is non-rotational, a positioning trench is formed on the positioning post for receiving a rib at a bottom end of the electric disk.

- Geddes discloses an illuminated pen that has a switch that initiates the light source a reservoir tube fitted inside said elongated holder and having an upper end bearing against a bottom of said metal stopper; upward reciprocation of said reservoir tube against spring bias of said spring engaging said stopper with a second electrode of said at least one battery thereby causing illumination of said light emitting means. Geddes does not teach the combination of a pen with a refill switching unit for switching two refills, a spring installed between a light emitting set and a stop cap, a switching means which includes the top of the refill switching unit of a lower tube fixed with an electric disk and is conductive to the light emitting set, a top of the electric disk is installed with a conductive spring and a conductive plate, one lead of the light emitting body is in contact with an electrode at a top of the battery set and another lead of the light emitting body extends downward to a lower side of a casing the lead is movable with the rotation of the light emitting body, an inner wall of a positioning tube is formed

with positioning recesses, an outer casing of the light emitting set is installed with strips which can be embedded into the positioning recesses, a top center of the rotary portion of the refill switching unit has a positioning post which is non-rotational, a positioning trench is formed on the positioning post for receiving a rib at a bottom end of the electric disk.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

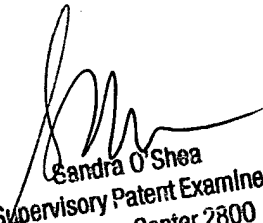
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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